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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 IN RE: TFT-LCD (FLAT PANEL) ANTITRUST No. M 07-1827 SI
9 LITIGATION /
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MDL. No. 1827

This Order Relates to:

11 *AT&T Mobility LLC et al. v. AU Optronics*
12 *Corp., et al.*, C 09-4997 SI /
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ORDER GRANTING PLAINTIFFS'
MOTION TO CERTIFY UNDER 28 U.S.C.
§ 1292(b)

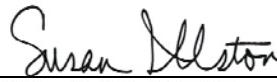
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15 On February 17, 2011, the Court held a hearing on plaintiffs' motion to certify under 28 U.S.C.
16 § 1292. Plaintiffs seek to certify the Court's order of November 12, 2010 dismissing in part plaintiffs'
17 second amended complaint. Specifically, plaintiffs seek review of the question whether the application
18 of California antitrust law to claims against defendants based on purchases that occurred outside
19 California would violate the Due Process Clause of the United States Constitution.

20 The Court finds that plaintiffs' motion is timely and that plaintiffs have shown that an
21 interlocutory appeal is appropriate. The question is controlling because it governs the scope of
22 plaintiffs' claims in this case, there is substantial ground for difference of opinion, and an immediate
23 appeal would materially advance plaintiffs' case. In addition, this threshold issue of whether the
24 Cartwright Act applies to out-of-state purchases has been raised in other cases in this MDL. Finally,
25 plaintiffs state that they will not seek a stay pending an interlocutory appeal, and thus there will be no
26 delay in this litigation if the Ninth Circuit permits the appeal.
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1 Accordingly, the Court GRANTS plaintiffs' motion to certify under 28 U.S.C. § 1292(b).
2 (Docket Nos. 2310 & 2318).

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4 **IT IS SO ORDERED.**

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6 Dated: March 4, 2011


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8 SUSAN ILLSTON
9 United States District Judge